

VIRGINIA:

BEFORE THE BOARD OF OPTOMETRY

**IN RE: MICHAEL E. ZALAR, O.D.
 License No. 0601-001962**

CONSENT ORDER

Pursuant to §§ 9-6.14:11 and 54.1-2400(8) of the Code of Virginia (1950), as amended, an Informal Conference Committee ("Committee") of the Virginia Board of Optometry ("Board"), composed of Charles W. Harrill, O.D. and Gordon W. Jennings, O.D., met with Michael E. Zalar, O.D. on February 8, 1995 in Henrico County, Virginia. Dr. Zalar appeared in person and was represented by Robert T. Adams, Esquire. The purpose of the informal conference was to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated January 13, 1995.

FINDINGS OF FACT

After consideration of the evidence and statements concerning the allegations, the Committee makes the following Findings of Fact:

1. Michael E. Zalar, O.D. holds license number 0601-001962 issued by the Virginia Board of Optometry.
2. From on or about March 16, 1994 to the present, Dr. Zalar has practiced optometry in a commercial, mercantile establishment. Specifically, Dr. Zalar utilizes space, equipment and utilities provided by Sterling Optical, Potomac Mills Mall, Woodbridge, Virginia, a mercantile establishment. Further, by his own admission, Dr. Zalar has agreed to pay rent in arrears for March 1994 through March 1995, the first practice year.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 2 constitutes a violation of §§ 54.1-3205(A)

of the Code of Virginia (1950), as amended.

CONSENT

Michael E. Zalar, O.D. by affixing his signature hereon, agrees to the following:

1. He has been advised specifically to seek the advice of counsel prior to signing this document;
2. He is fully aware that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq of the Code of Virginia;
3. He has the following rights, among others:
 - a. the right to a formal fact-finding hearing before the Board;
 - b. the right to representation by counsel; and
 - c. the right to cross-examine witnesses against him.
4. He waives all rights to a formal hearing;
5. He admits the truth of the above Findings of Fact; and
6. He consents to the following Order affecting his license to practice optometry in the Commonwealth of Virginia.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact, Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Michael E. Zalar, O.D. shall CEASE AND DESIST from practicing in a commercial, mercantile establishment. It is further ORDERED that Dr. Zalar shall be assessed a monetary penalty of one thousand dollars

M. Zalar

(\$1000.00), said penalty to be paid to the Board by certified check or money order within thirty (30) days from the entry of this Consent Order. If said monetary penalty is not received within the prescribed deadline, an additional one hundred dollar (\$100.00) monetary penalty shall be assessed weekly, up to a maximum of one thousand dollars (\$1000.00). Failure to pay the full monetary penalty plus the additional assessment within one hundred (100) days of this Consent Order shall constitute grounds for an administrative proceeding.

Any violation of the foregoing terms and conditions of this Consent Order or any statute or regulation governing the practice of optometry in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Michael E. Zalar, O.D., and an administrative proceeding shall be convened to determine whether Dr. Zalar's license to practice optometry in the Commonwealth shall be suspended or revoked.

Pursuant to § 9-6.14:14 of the Code of Virginia, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

FOR THE BOARD:

Charles W. Smith, O.D.

President

ENTERED: 1/31/96

M. Zalar

SEEN AND AGREED TO:

Michael E. Zalar, O.D.
Michael E. Zalar, O.D.

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Prince William

Subscribed and sworn to before me, a Notary Public in and for the city/county of Prince William, this 4th day of November, 1995, by Michael E. Zalar, O.D.

Laura Adams
Notary Public

My Commission Expires: April 30, 1999

RECEIVED: Feb 1, 1996

BY: John W. Hasty
John W. Hasty, Director
Department of Health Professions

Certificate of Service

I hereby certify that a true copy of the foregoing Consent Order was mailed to Michael E. Zalar, O.D. at 949 Potomac Mills Mall, Woodbridge, Virginia, 22192 on the 5th day of February, 1995.

Elizabeth A. Carter, Ph.D.
Elizabeth A. Carter, Ph.D. Executive Director
Board of Optometry